

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. 06-524M
Plaintiff,)
v.)
DETENTION ORDER
MELVIN L. BERRY,)
Defendant.)

Offense charged:

Distribution of Cocaine Base (three counts)

Date of Detention Hearing: October 4, 2006

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged by complaint with three counts of distributing cocaine base,

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18 U.S.C. § 3142(i)
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01 a controlled substance. This drug offense carries a possible sentence of ten years or more
02 imprisonment. Therefore, there is a rebuttable presumption under 18 U.S. C. §3142(e) that
03 defendant poses a risk of danger and of nonappearance. Nothing in the record effectively rebuts
04 that presumption.

05 (2) Defendant's criminal history includes multiple previous offenses including assault,
06 theft, VUCSA, and violation of firearms laws. It shows at least 18 separate failures to appear,
07 including one conviction for the offense of failing to appear. He was on supervision at the time
08 of this offense, as well as on pretrial release for another pending charge. His state court community
09 corrections officer reports that violation reports are pending for failure to obtain a substance abuse
10 evaluation, failure to attend substance abuse treatment, to complete community services, to pay
11 fines and supervision fees and for failing to return phone call to his community supervision officer.

12 (3) Defendant has an unstable residence and employment history.

13 (4) Defendant poses a risk of nonappearance due to a history of failing to appear for
14 hearings, a history of failing to comply with court orders, a lack of truthfulness about his current
15 residence, unknown substance abuse issues, and lack of compliance with state supervision. He
16 poses a risk of danger due to criminal history, unknown substance abuse issues, and the nature of
17 the instant offense.

18 (5) There does not appear to be any condition or combination of conditions that will
19 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
20 to other persons or the community.

21 It is therefore ORDERED:

22 (1) Defendant shall be detained pending trial and committed to the custody of the

01 Attorney General for confinement in a correction facility separate, to the extent
02 practicable, from persons awaiting or serving sentences or being held in custody
03 pending appeal;

04 (2) Defendant shall be afforded reasonable opportunity for private consultation with
05 counsel;

06 (3) On order of a court of the United States or on request of an attorney for the
07 Government, the person in charge of the corrections facility in which defendant is
08 confined shall deliver the defendant to a United States Marshal for the purpose of
09 an appearance in connection with a court proceeding; and

10 (4) The clerk shall direct copies of this Order to counsel for the United States, to
11 counsel for the defendant, to the United States Marshal, and to the United States
12 Pretrial Services Officer.

13 DATED this 4th day of October, 2006.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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